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**JUDGE EDWARD L. MORRIS**

***Defendants.***

This document is being re-filed at clerk's request only to correct the name of the document

1. KRISTIN NEWMAN, Plaintiff, (hereinafter, “Plaintiff”) moves for an order granting final summary judgment against Defendants CHRISTOPHER BRANDON JUDGE and RAQUELLE ANN JUDGE (hereinafter collectively, “Defendants”).
2. Summary judgment is proper in this case because there is no genuine dispute of material fact and because Plaintiff is entitled to judgment as a matter of law. Specifically, Defendants have falsely represented that Defendant Christopher Judge was a licensed architect and that their construction company Judge DFW, LLC would design and build a custom home for Plaintiff, when, in fact, Christopher Brandon Judge was not a licensed architect, and was incapable of designing a custom residence. Further, Defendants represented that they were custom home builders and would construct a custom home for

Plaintiff, when, in fact, Defendants were not home builders, but rather, where con artists who took plaintiff's money and abandoned the project without completing any portion of the work in a good and workmanlike manner.

3. This motion is based on the attached Memorandum of points and authorities/brief in support, the attached summary judgment evidence, and all pleadings and papers on file.

Dated December 16, 2024

Respectfully submitted,

By: /s/ Michael S. Newman

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Attorney for Plaintiff

CERTIFICATE OF SERVICE - I hereby certify that a true and correct copy of the foregoing document was served on Christopher Brandon Judge and Raquelle Ann Judge, as Defendants, and Clayton L. Everett, as lead counsel, according to the Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure.

*Via US Mail and Email:*

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/s/ Michael S. Newman

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS**

**In re:**  
**CHRISTOPHER BRANDON JUDGE**  
**and RAQUELLE ANN JUDGE,**

## CHAPTER 7

**CASE NO. 23-41465**

**KRISTIN NEWMAN**  
*Plaintiff,*

**ADV. PRO. NO. 23-04066**

**VS.**

**JUDGE EDWARD L. MORRIS**

**CHRISTOPHER BRANDON JUDGE  
and RAQUELLE ANN JUDGE,**

***Defendants.***

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT**

Plaintiff KRISTIN NEWMAN, (hereinafter, “Plaintiff”), asks the Court to render final summary judgment against CHRISTOPHER BRANDON JUDGE and RAQUELLE ANN JUDGE (hereinafter collectively, “Defendants”), as authorized by Federal Rule of Civil Procedure 56.

## A. INTRODUCTION

1. Plaintiff is KRISTIN NEWMAN. Defendants are CHRISTOPHER BRANDON JUDGE and RAQUELLE ANN JUDGE. Defendants were the principals and sole owner of JUDGE DFW, LLC, and began doing business as JUDGE DFW, LLC, when the Limited Liability Company was forfeited by the state of Texas.

2. Plaintiff sued defendants for fraud and defalcation.

3. On September 15, 2023, defendants filed their Answer, denying plaintiff's separate allegations.

4. Plaintiff files this motion for final summary judgment on her claim for fraud and defalcation. Summary Judgment should be granted in this case because the summary judgment evidence establishes all elements of plaintiff's claim for fraud, as a matter of law.

#### B. STATEMENT OF FACTS

5. A statement of undisputed facts is attached.

6. Christopher and Raquelle Ann Judge are the principals of Judge DFW, LLC, each being a manager of the Texas Limited Liability Company. Defendants represented, and advertised that Judge DFW LLC provided Architectural Services within the State of Texas. Defendants represented to Plaintiff that Christopher Judge was an architect, and that he was capable of, and would prepare, architectural plans for the construction of Plaintiff's home.

7. Christopher Judge never held an Architect License.

8. Defendants represented that they would construct Plaintiff's home in a good and workmanlike manner, in accordance with minimum industry standards. Defendants represented that they would use licensed tradespersons, such as electricians and plumbers in the construction of Plaintiff's and that the construction would be in accordance with building codes and that the home would be safe for human habitation as a residence. They also represented that they were custom home builders with the knowledge and experience to build a custom home in accordance with industry standards, in a good and workmanlike manner, and in accordance with applicable building codes.

9. Defendants collected \$10,000.00 from Plaintiff, as a deposit, for the development and production of construction plans. Defendants collected \$17,246.25 from Plaintiff on, as Draw #1, for the immediate ordering of doors and windows, permitting and engineering. Defendants never ordered the doors and windows. Defendants never obtained a building permit from Johnson County, Texas. Defendants used an unlicensed plumber and electrician to install the plumbing and electrical rough-in.

### C. ARGUMENT

10. Summary Judgment is proper in a case in which there is no genuine dispute of material fact. Fed. R. Civ. P. 56(a). *Scott v Harris*, 550 U.S. 372, 380 (2007); *Celotex Corp. v Catrett*, 477 U.S. 317, 322 (1986). A plaintiff moving for summary judgment satisfies its burden by submitting proof that establishes all elements of its claim as a matter of law. See *San Pedro v United States*, 79 F3d 1065, 1068 (11<sup>th</sup> Cir. 1996). Plaintiff must show that no reasonable trier of fact could find other than for plaintiff. *Calderone v United States*, 799 F2d 254, 259 (6<sup>th</sup> Cir. 1986).

11. To prevail on her claim of fraud, plaintiff must prove, as a matter of law, that the Defendants made a material representation, that the representation was false, that the Defendants acted knowingly or recklessly in making the false representations, that the Defendants intended to induce the Plaintiff to act in some way upon the representations, and that Plaintiff justifiably relied on the representations, which caused injury to the Plaintiff.

12. The Defendants knowingly or recklessly made the following representations to the Plaintiff:

- That Defendants would provide architectural services;
- That Defendant Christopher Judge was a licensed architect;
- That Christopher Judge, as an architect, would develop and prepare building plans;
- That Christopher Judge and Raquelle Ann Judge would use the \$10,000.00 deposit to obtain building permits and engineering plans;
- That the Draw #1 was intended to immediately order windows and doors;

That the windows and doors were ordered;  
That the windows and doors were in production;  
That the windows and doors would be installed;  
That the plumbing would be installed by licensed plumbers;  
That the electrical work would be performed by licensed electricians;  
That the Plaintiff's home would be constructed in accordance with applicable building codes;  
That the Plaintiff's home would be constructed in a good and workmanlike manner;

13. Each of these representations were material.
14. The Defendants intended the Plaintiff to pay the contract price for the construction of her home,  
in reliance of one or more of these representations.
15. Plaintiff justifiably relied upon one or more of these representations.
16. Plaintiff has suffered damages as a result of the Defendant's actions.

#### D. SUMMARY JUDGMENT EVIDENCE

17. In support of her motion, plaintiff included evidence in the attached appendix, which is incorporated herein by reference into this motion. The motion for summary judgment is based on the following evidence:

a. Documents. The documents which are verified as authentic, establish the following facts:

- i. Texas Architecture License Search for Christopher Brandon Judge
- ii. Report of Texas Inspections
- iii. Report of Thomas Whitecotton, Licensed Structural Engineer

b. Electronically stored information. The copies of electronically stored information,  
which are verified as authentic

c. Affidavits. The affidavits of Kristin Newman and Jerry Brook, owner of Black Bear Construction Group, Inc.

d. Other Exhibits.

EXHIBITS:

- A DEFENDANTS' TWITTER ADVERTISEMENT FOR ARCHITECTURAL SERVICES
- B DRAW SCHEDULE
- C LLC DOCUMENTS FOR JUDGE FFW, LLC
- D TEXT MESSAGE THAT DOORS AND WINDOWS WERE ORDERED
- E CONTRACT FOR CONSTRUCTION OF PLAINTIFF'S HOME
- F INSPECTION REPORT OF TEXAS INSPECTOR
- G ENGINEERING REPORT OF FALKOFSKE ENGINEERING
- H BLACK BEAR CONSTRUCTION GROUP, INC. INVOICES

E. CONCLUSION

Plaintiff has filed this Motion for Summary Judgment based upon the Defendants' act of fraud and defalcation. Plaintiff incorporates herein the Affidavits of Kristin Newman and Jerry Brook of Black Bear Construction Group, Inc., together with the reports from Texas Inspectors and Falkofske Engineering, along with the Exhibits contained in the Exhibit List. For these reasons, Plaintiff asks the Court to grant the motion and render a final judgment in Plaintiff's favor as to the claims for fraud and defalcation.

Dated December 16, 2024

Respectfully submitted,

By

/s/ Michael S. Newman

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Via US Mail and Email:

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